

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

Billy Russell, Jr. )  
                      )  
Plaintiff,         )  
                      )  
v.                   ) No. 4:18-cv-01666 SRC  
                      )  
St. Charles Police Department, et. al. )  
                      )  
Defendants.        )

**DEFENDANT BIRDSONG'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Defendant Officer Shawn Birdsong in his individual capacity (“Defendant Birdsong”), pursuant to Rule 56 of the Federal Rules of Civil Procedure and moves for summary judgment in his favor on all of Plaintiff Billy Russell, Jr.’s claims because there is no genuine issue of material fact and Defendant Birdsong is entitled to judgment as a matter of law. Defendant Birdsong has filed his Statement of Uncontroverted Material Facts and Memorandum in Support of Motion for Summary Judgment contemporaneously herewith and incorporates the same by reference.

WHEREFORE, Defendant Birdsong respectfully requests the Court grant him summary judgment with regard to all of Plaintiff’s claims against him, and any other and further relief the Court deems fair and appropriate.

Respectfully submitted,

**OFFICE OF THE ST. CHARLES  
COUNTY COUNSELOR**

By:/s/ Rory P. O'Sullivan

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**ATTORNEY FOR DEFENDANT  
OFFICER SHAWN BIRDSONG**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of October, 2019, a true copy of the foregoing was sent via first class mail, to the following non-participant in the Electronic Case Filing System:

Billy Russell, Jr. #1338906  
Algoa Correctional Center  
8501 No More Victims Road  
Jefferson City, MO 65101

/s/Rory P. O'Sullivan